

REMARKS/ARGUMENTS

Applicants thank Examiner Chapman for acknowledging their claim to foreign priority and for indicating that the priority documents have been received. Applicants also thank the Examiner for accepting the drawings filed on March 4, 2002. Applicants also thank the Examiner for considering the Information Disclosure Statements, but Applicants note that the Information Disclosure Statement filed on August 13, 2002, apparently has not yet been considered by the Examiner or, if it was, that a signed copy of the PTO 1449 was simply not included in paper number 9. Applicants kindly request the Office to indicate that Information Disclosure Statement filed August 13, 2002, has been considered. If the Office is missing its copy, Applicants would be happy to provide one upon request.

Rejections Under 35 USC §§ 102 & 103

The alternative anticipation and obviousness rejections over U.S. 6,004,711 to Bourne are obviated in-part by amendment and are traversed in-part. The claims have been limited such that the pyrolysates of the residual components include a compound having at least one ring siloxane structure, which is nowhere disclosed or suggested in Bourne. The present invention is thus neither anticipated nor made obvious by Bourne, and these grounds of rejection should be withdrawn accordingly.

Bourne does not teach the use a ring siloxanes. Bourne discloses only various silanes, silazanes and “polydimethylsiloxane” (column 5, line 10 to column 6, line 11). The reference also discloses “polysiloxanes having aryl and/or alkyl substitution, with dialkylpolysiloxanes such as polydimethylsiloxane being particularly preferred.” Column 5, lines 53-57. These alkyl and/or aryl-substituted polysiloxanes, however, like the other recited compounds, are not ring siloxanes, they are not equivalent to ring siloxanes, and their recitation in the Bourne reference does not bring ring siloxane structures to mind. Since the claims are now limited to

those pyrolysate compounds having at least one ring siloxane structure, the invention is not anticipated by the disclosure of Bourne.

The invention is likewise not made obvious by the teaching of Bourne. The present invention requires that the external additive comprise a hydrophobizing agent applied to the surface of inorganic fine particles and, after being treated with chloroform, the thus-treated external additive comprises pyrolysates of residual compounds having at least one ring siloxane structure. In contrast to the present invention, Bourne is not only silent on the use of ring siloxanes, he does not recite any hydrophobizing treatment that would result in the claimed invention. There is no expectation that his coating method would result in the ring siloxane-containing pyrolysates as claimed, and the reference does not disclose any method by which they may be made. See, e.g. the heat treatment such as set out in present Claim 8 and also at page 18, lines 10-18 of the specification. For at least these reasons, the obviousness rejection over Bourne should be withdrawn as unsustainable.

Double-Patenting Rejections

In view of the claim amendments, Applicants kindly traverse the double-patenting rejection over U.S. 6,503,676 on the grounds that it does not disclose or suggest any ring siloxane. This patent claims a silicone oil, but nowhere does it appear to disclose or suggest any ring siloxane. There is thus no overlap between the claims of the U.S. ‘076 patent and the present claims as presently written, and the double-patenting rejection thereover is traversed.

With regard to the double-patenting rejection over the co-pending U.S. 09/985,738 application, Applicants kindly request that this rejection be held in abeyance until an indication of allowable subject matter is received in the present application. At that time, Applicants would consider filing a Terminal Disclaimer over the U.S. ‘738 application.

Application No. 10/086,415
Reply to Office Action of June 3, 2003

Finally, Applicants point out that Information Disclosure and Related Case Statements were filed on June 9, 2003, June 20, 2003, and October 1, 2003, which is after the present Official Action was mailed. These filings were timely submitted, and Applicants kindly request that the Office indicate their consideration in the next paper.

An early and favorable indication of allowance is kindly requested. Should the Examiner have any questions or comments or if any of the above-noted Information Disclosure Statements are missing from his file, he is kindly request to contact Applicant's below-signed representative, who would be happy to oblige.

Respectfully submitted,

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